



**Convention on the  
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD  
Forty-ninth session  
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**WRITTEN REPLIES BY THE GOVERNMENT OF DJIBOUTI TO THE LIST  
OF ISSUES RELATING TO THE CONSIDERATION OF THE SECOND  
PERIODIC REPORT OF DJIBOUTI (CRC/C/DJI/2)\***

[Received on 7 August 2008]

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\* In accordance with the information communicated to the States parties concerning the processing of their reports, this document was not formally edited before being sent to the United Nations translation services.

## PART I

Under this section the State party is requested to submit in written form additional and updated information, if possible before 8 August 2008.

***Question 1. Please provide further information on the establishment by the Ministry of Justice of a committee bringing together all the partners involved in the protection of child rights and responsible for coordinating and monitoring the implementation of the Convention.***

By Decree No. 2008-0103/PRE, on the basis of a proposal by the Minister for Justice responsible for human rights, the Government established a broad-based National Human Rights Commission, whose members all have general competence in the promotion and protection of human rights. A special subcommission will be established within the Commission to protect the rights of the child and coordinate and monitor implementation of the Convention.

***Question 2. Please inform the Committee of any efforts undertaken at State level to withdraw the declaration made by the State party upon signing the Convention.***

The declaration made by Djibouti states that:

“The Government of the Republic of Djibouti shall not consider itself bound by any provisions or articles that are incompatible with its religion and its traditional values.”  
Djibouti would like to clarify this declaration for the consideration of the periodic report, and wishes to make the following reservation:

### *Reservation*

“The Republic of Djibouti shall not consider itself bound by the provisions of article 14, which recognize the right of the child to freedom of religion, nor by the provisions of article 21 concerning adoption, which contravene the principles of Islamic sharia and the Constitution of Djibouti.”

***Question 3. Please indicate whether the Convention on the Rights of the Child has been invoked directly in domestic courts, and if so, please provide examples of such cases.***

The provisions of the Convention have not been invoked directly in domestic courts. However, the courts that deal with family disputes are most concerned to settle them in the best interests of the child, as derived from the Convention. Moreover, certain laws take the provisions of the Convention into account with respect to education, health, protection and culture (report, chap. 1, p. 9 - General Measures of Implementation).

**Question 4.** *Please briefly inform the Committee as to whether the State party intends to establish an independent monitoring mechanism in line with the Paris Principles relating to the status of national institutions (General Assembly resolution 48/134 of 20 December 1993, annex) that will address child rights.*

The National Human Rights Commission responsible for the promotion and protection of human rights, as mentioned above in answer to question 1, includes a subcommission on the rights of the child. The Commission was established on the basis of the Paris Principles on national institutions.

**Question 5.** *Please briefly outline the main points of the National Children's Policy, including when this policy will come into effect and whether it addresses the issue of birth registration.*

In October 2005 the Government launched a national policy on comprehensive early childhood development, which aims to “give Djiboutian children the opportunity for good health, a psychologically and socially stimulating education and the healthy conditions that they need to flourish, i.e., to enable them to develop to the fullest extent possible and have a good start in life”.

One of the objectives of component 1 of this policy is to “ensure the promotion of birth registration”.

The rights of the child are also taken into account in the Government's social policy, as set forth in the National Social Development Initiative (INDS), and in the sectoral policies of the technical ministerial departments - education, health, employment, advancement of women, youth, Muslim affairs, justice - not to mention the role played by NGOs and civil society.

The Government has sought to formulate policies and plans in most sectors that will help improve children's enjoyment of their rights, notably in the following sectors:

- Health: National Health Plan 2008-2012 and medium-term expenditure framework
- Education: Master Plan for Education 2000-2010; 2000-2005 and 2006-2008 action plans
- Youth: national youth policy

Birth registration, which is now the responsibility of the local authorities since the entry into force of the Decentralization Act, is governed by the legislative and regulatory provisions listed below. A plan to update and amend these provisions is currently being discussed.

- The civil registration system in the Republic of Djibouti is regulated by Decree No. 73-376 of 27 March 1973 on the implementation of Act No. 72-458 of 2 June 1972
- Order No. 127 of 12 February 1973 deals with the appointment of civil registrars and defines their territorial jurisdiction

- Act No. 220/AN/86/1 of 23 November 1986 appoints the civil registrars (Director of Population and district commissioners) empowered to issue affidavits as substitute birth certificates
- Act No. 24/AN/83/1 L of 3 February 1983 regulates the issuance by the competent authorities of affidavits in place of birth certificates after expiry of the deadline of 30 days after birth

**Question 6.** *The Committee would appreciate receiving information on the general census of the population that the State party intended to carry out in 2007, particularly whether or not the census was carried out and, if so, whether its results allow for the collection of disaggregated data on vulnerable groups.*

The general census is planned for the end of 2008 or early 2009. The preparatory phase (mapping, data collection forms, administrative organization, regional committees) is under way, however.

**Question 7.** *Please briefly describe dissemination or awareness-raising activities, particularly those related to the concluding observations or the State party's report to the Committee, including the success of such efforts.*

In follow-up to the concluding observations on its initial report, the State party has undertaken the following awareness-raising and outreach activities:

- Dissemination of the provisions of the Convention nationwide through brochures, debates and round tables, radio and television broadcasts, plays and the creation of a children's parliament, with technical support from a member of the Committee on the Rights of the Child, Ms. Awa Ouedraogo. The extent of children's knowledge of the Convention was assessed in 2000. The provisions of the Convention are known, but outreach activities must be strengthened in rural areas.

**Question 8.** *Please briefly describe, including through examples if possible, the cooperation between the State party and civil society in the field of child rights.*

The highlights of the Government's cooperation with civil society are:

- The annual celebration of the Universal Declaration of Human Rights.
- A national human rights forum held on 17 and 18 May 2004 with broad participation, on the following themes: the current situation, identifying the challenges, protection and promotion of human rights and discussion of mechanisms.
- A national workshop on the prospects for strengthening human rights held on 11 and 12 May 2008, in cooperation with the Regional Office of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and with the support

of development partners in Djibouti, namely the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP) and the United Nations Educational, Scientific and Cultural Organization (UNESCO). The workshop brought together a number of Government representatives in addition to members of civil society, the political opposition and national institutions such as the Constitutional Council and the Office of the Ombudsman.

**Question 9.** *Please indicate the issues affecting children that the State party considers to be priorities requiring the most urgent attention with regard to the implementation of the Convention.*

The issues affecting children that should be considered as priorities requiring urgent attention with regard to the implementation of the Convention are:

- Updating and amendment of the legislation on birth registration for all children born in the Republic of Djibouti, regardless of their origin
- Identification of child vulnerability and poverty (poverty assessment under way)
- Care for orphans and vulnerable children
- Creation of a juvenile justice system
- General population census

## **PART II**

Under this section, the State party is to briefly (three pages maximum) update the information provided in its report with regard to:

***New bills or enacted legislation (including Act No. 210/AN/07/5 L of 27 December 2007 on combating trafficking in human beings)***

Act No. 210/AN/07/5 L on combating trafficking in human beings, adopted by the President of the Republic on 27 December 2007. The objective of this Act (chap. II) is to:

- Prevent and suppress trafficking in human beings
- Protect the victims of trafficking in human beings
- Ensure that prosecutions are conducted in a manner respectful of human rights
- Promote international cooperation on combating trafficking in human beings

Act No. 174/AN/07/5 L on protection measures appropriate to the situation of persons living with HIV/AIDS and vulnerable groups, adopted on 27 April 2007. The aim of this Act is to implement protection measures appropriate to the situation of persons infected or affected by HIV/AIDS for the purpose of prevention, care provision, impact reduction and containment of the pandemic.

Act No. 196/AN/07/5 L on the establishment of the Solidarity Fund for orphans and children affected by HIV/AIDS. In accordance with article 3, the Solidarity Fund is responsible for:

- Implementing Government policy on orphans and children infected or affected by HIV/AIDS
- Helping to reduce the social, economic, psychological and medical impact of HIV/AIDS on the most vulnerable populations
- Extending financial, material, legal, medical and technical assistance to orphans and children affected by HIV/AIDS through community associations or NGOs
- Directly promoting and supporting grass-roots projects or programmes initiated by NGOs or community associations in order to improve the living conditions of orphans and children affected by HIV/AIDS
- Improving the technical and financial capacities of community associations and NGOs involved in medical, psychosocial and financial support for orphans and children affected by HIV/AIDS
- Encouraging and promoting a spirit of national and international solidarity

A bill on ratification of the two additional protocols and the African Charter on the Rights and Welfare of the Child is being finalized.

### **National Social Development Initiative**

In January 2007, the President launched the National Social Development Initiative, which calls for integrated policies to be implemented as part of a coherent, comprehensive plan, with complementary and mutually reinforcing components. It also establishes a number of priorities, namely: (i) promotion of access to basic social services; (ii) restructuring of the national system of production; and (iii) assistance to highly vulnerable persons. Lastly, it must be founded on the principles of sound political, social, economic and financial governance.

This framework puts the Initiative at the heart of Djibouti's new economic and social development policy. Its priorities overlap broadly with the principles expressed in the second-generation Poverty Reduction Strategy Papers (PRSP) adopted by poor countries to improve their performance with regard to development and poverty eradication.

#### *New institutions*

### **State Secretariat for Solidarity**

The Secretary of State is responsible to the Prime Minister for implementation of the policy on poverty eradication and the promotion of national solidarity, the main purpose of which is to implement the National Social Development Initiative launched in January 2007 by the President of the Republic. The Djiboutian Social Development Agency and the Microfinance and Microenterprise Development Project are under the supervision of the Secretary of State.

### **The Djiboutian Social Development Agency**

The Djiboutian Social Development Agency is the conduit through which the poverty eradication policy is implemented. It is the result of the merger of the Djiboutian Agency for the Implementation of Public Works and the Social Development Fund and has been in operation since January 2008. The Agency is a public administrative institution with special status, legal personality and administrative and financial autonomy.

### **Diwan Al-Zakat Foundation**

This Foundation, created in 2004, raises funds through alms tax (zakat) for redistribution to those in genuine need, in accordance with the Koran. In 2008, during the annual ceremony organized at the Palais du Peuple and attended by the head of State, the Foundation distributed 100 million Djibouti francs to hundreds of large families without incomes, older persons, disabled persons, widows and destitute divorced women. The beneficiaries are from Djibouti City and the regions.

### **Al-Rahma Orphanage, Balbala**

This institution is currently home to some 700 orphans, who are educated in Arabic through the orphanage school, which can accommodate up to 480 pupils, and its technical lycee, which can accommodate up to 300. It also has a mosque that can take up to 1,400 girls, a clinic, a pharmacy, dining rooms and its own bakery.

### **Complaints unit for women victims of violence**

The complaints unit was created in 2006 and is based at the headquarters of an NGO, the National Union of Djiboutian Women. The objective of the unit is to provide information, guidance and advice to girls and women victims of gender-based violence. It has received more than 800 women, including a significant number of pregnant teenagers who are given family and community support in the Djiboutian tradition of solidarity.

### ***Newly implemented policies***

- National Social Development Initiative
- Strategic framework for the care of orphans and vulnerable children
- National strategy to combat all forms of excision
- National Health Development Project 2008-2012
- National youth policy
- Strategic sanitation plan
- National nutrition policy

*Newly implemented programmes and projects and their scope*

**Early years survival and development**

- Integrated management for childhood illness
- National immunization programme
- Treatment of malnourished children
- Drinking water, hygiene and household sanitation programme

**Protection**

- Accelerated programme to combat female genital mutilation
- Care of orphans and vulnerable children

**Education**

- Basic education and gender equality programme

**HIV/AIDS**

- Prevention of HIV/AIDS among youth
- Prevention of parent-child transmission of HIV/AIDS

**PART III**

Preliminary list of major issues not covered in Part I that the Committee may take up during the dialogue with the State party, and not requiring written answers. This list is not exhaustive as other issues might be raised in the course of the dialogue.

1. The State party's strategy to significantly strengthen the overall implementation of the Convention with particular attention to the general principles of the Convention, including article 3 (best interests of the child) and article 12 (respect for the views of the child)
2. Legislation (human and financial resources and implementation)
3. Budget allocations for children
4. Non-discrimination (girls, children with special needs and foreign children)
5. Corporal punishment
6. Protection of children deprived of a family environment (including alternative care facilities)
7. Adoption (national and intercountry adoption)



8. Abuse and neglect (legislation and penalties)
9. Children with disabilities (including juridical framework for protection)
10. Health (including adolescent health, harmful traditional practices, under-five and maternal mortality rates, malnutrition, mental health)
11. HIV/AIDS
12. Standard of living (increasing levels of poverty)
13. Education (including gender disparities, school attendance and dropouts, early childhood education)
14. Refugee children (including access to health, education, social services and family reintegration)
15. Economic exploitation, including child labour
16. Sexual exploitation and trafficking
17. Administration of juvenile justice, (including lack of a juvenile justice system and conditions in detention facilities)

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